



Practitioner's Docket No. PM-8808-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Spurlock, Michael E.

Application No.: 09/928,522

Filed: 08/13/2001

For: Bovine Leptin Protein, Antisense and Antibody

Group No.: 1647

Examiner: C. Saoud

Box Sequence

Assistant Commissioner for Patents

Washington, D.C. 20231

PATENT

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SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE

1. This replies to the Office Letter dated December 17, 2002.

A copy of the Office Letter is enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Alan E. Wagner state the following:

ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

"Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. section 1.821(c) and 37 C.F.R. sections 1.822 and 1.823.

CERTIFICATION UNDER 37 C.F.R. sections 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. section 1.8(a)

37 C.F.R. section 1.10*

- ☐ with sufficient postage as first class mail.

☒ as "Express Mail Post Office to Address"
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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date:

2-14-03

Jere L. Houk

MKE/824369.1

An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. section 1.821(d).

A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. sections 1.821(e) and 1.824.

A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. section 1.821(g).

Because this submission is made in fulfilling the requirement under 37 C.F.R. section 1.821(g), a statement that the submission includes no new matter.

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

Each computer readable form submitted in this application is the same as the "Sequence Listing" to which it is indicated to relate.

STATUS

5. Applicant is other than a small entity.

EXTENSION OF TERM

6. The proceedings herein are for a patent application and the provisions of 37 C.F.R. section 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. section 1.136 (fees: 37 C.F.R. section 1.17(a)(1)-(4)) for one month:

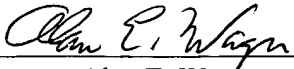
Fee: \$110.00

FEE PAYMENT

7. Attached is a check in the sum of **\$110.00**

If any additional extension and/or fee is required, charge Account No. 23-2053.

Dated: 2/13/03



Alan E. Wagner
Registration Number: 45188

Whyte Hirschboeck Dudek S.C.
111 E. Wisconsin Ave., Suite 2100
Milwaukee, WI 53202
Tel. No. 414-273-2100
Customer No. 022202

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: The specification contains sequences which are not represented by a Sequence Identifier, and need to be added to the Sequence Listing.

Applicant Must Provide:

- ☒ An initial or **substitute computer readable form (CRF) copy** of the "Sequence Listing".
- ☒ An initial or **substitute paper copy** of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A **statement** that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: PM-8808-A

In re patent application of

SPURLOCK, MICHAEL E.

Serial No. 09/928,522

Filed: August 13, 2001

For: BOVINE LEPTIN PROTEIN, ANTISENSE AND ANTIBODY

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

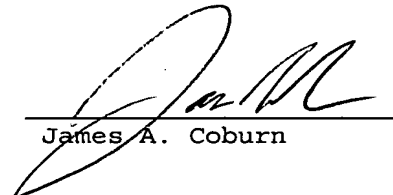
Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

Respectfully submitted,

Feb. 10, 2003
Date


James A. Coburn

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